

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYEES DIVISION/IBT,

Plaintiff,

vs.

UNION PACIFIC RAILROAD  
COMPANY,

Defendant.

**8:17CV217**

**ORDER**

On February 15, 2018, Plaintiff filed an unopposed motion for leave to amend its complaint and for issuance of a scheduling order. ([Filing No. 36](#)). On February 16, 2018, Plaintiff filed motion to amend its pending February 15th motion. ([Filing No. 38](#)). After reviewing Filing Nos. [36](#) and [38](#), the court finds both motions request identical relief and that [Filing No. 38](#) was merely supplemented to include a copy of the proposed amended complaint. Accordingly,

IT IS ORDERED:

- 1) Plaintiff's amended motion ([Filing No. 38](#)) is granted and Plaintiff's motion ([Filing No. 36](#)) is denied as moot.
- 2) Plaintiff's motion to dismiss, ([Filing No. 30](#)), is denied as moot.
- 3) The deadline for Plaintiff to file its amended complaint, a copy of which is attached to its Filing 38 motion, is February 28, 2018, with Defendant's Answer or response to the amended complaint due on or before March 14, 2018.

- 4) The deadline for Plaintiff to file a motion for summary judgment is March 23, 2018.
- 5) The deadline for Defendant to file a response to Plaintiff's motion for summary judgment and any cross-motion for summary judgment is April 23, 2018.
- 6) The deadline for filing Plaintiff's reply to its own motion for summary judgment and its response to any cross-motion for summary judgment filed by Defendant is May 21, 2018.
- 7) The deadline for Defendant's reply to its own motion for summary judgment is June 18, 2018.

Dated this 22nd day of February, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge